

Amendment to CORNER MOUNTED INDIRECT LIGHTING FIXTURE  
John J. Accornero, inventor  
Serial No. 10/828,372  
Filed April 19, 2004  
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REMARKS/ARGUMENTS

Claims 1, 3 and 6 remain in this application.

Claims 2, 4 and 5 have been canceled.

Independent Claim 1 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the references of Russell in view of Wenthe and Lewis. This rejection is respectfully traversed.

The Examiner has decided to rotate the structure of Russell one-hundred eighty degrees in order to come closer to the subject matter of the present invention. This rotation is only obvious when considered in light of applicant's disclosure. There is no teaching within Russell of turning Russell one-hundred eighty degrees. This is a big difference because instead of the light bulb pointing in a downward direction, which is taught by Russell, it would then be pointed in an upward direction, which is taught by applicant. It appears to applicant that applicant's own disclosure is being used as a reference in connection with the patent to Russell. In the past, the using of one's own disclosure to reject ones invention has not been permitted under the Patent Law (In re Murray et al., 122 USPQ 364; In re Kamm, 172 USPQ 298; and In re Roberts, 176 USPQ 313).

Additionally, Claim 1 now defines that the lamp is mounted in an inclined angle to locate the glass bulb directly adjacent the top edge. Rotating of the fixture housing of one-hundred eighty degrees would point the light bulb of Russell toward the bottom end and if it's rotated the bulb would be pointed toward the top edge. However, again this teaching is only taken in view of the disclosure of applicant. The disclosure of Russell is actually to

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point the bulb in a downward direction and says so specifically in column 5, line 10.

Additionally, Claim 1 has been modified to define that the bottom plate extends perpendicular from the fixture housing. No such bottom plate is shown or taught by Russell. There is no such bottom plate in Lewis. There is no bottom plate in Wenthe. Therefore, it is believed Claim 1 further adds patentable subject matter in saying that the bottom plate extends perpendicular from the fixture housing and this structural arrangement is clearly shown in the drawing in Figure 3.

Additionally, applicant has claimed in Claim 1 a hook which is to hangingly engage with the engaging edge of the mounting bracket. The Examiner has stated that the structure 121 of Russell constitutes a hook when in fact the structure 121 constitutes a flange. The flange is to be connected to the mounting bracket by screws. Applicant has avoided the use of screws by using of a hook that hangingly engages with the engaging edge of the mounting bracket. No such hanging arrangement is shown or taught in Russell. Therefore, it is believed that Claim 1 further additionally supplies patentably distinctive subject matter over Russell.

The fixture housing is further defined within Claim 1 has having a pair of enlarged headed protuberances. The shade is defined as having a pair of bayonet slots with each bayonet slot to engage with one of those enlarged headed protuberances. No such structure between a shade and a fixture housing is shown or remotely suggested by the references of record.

Additionally, Claim 1 has been amended to state that the shade abuts against the bottom plate. This structural arrangement is again clearly shown in the drawing (Figure

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2). No such structural arrangement is shown or suggested by the references of record, and it is believed that this further adds patentable subject matter over the applied references of record within Claim 1.

Claim 3, which is dependent from Claim 1, has further defined that each of the sidewalls have a free outer edge defining a pair of free edges with these free edges being parallel. No such parallel edge arrangement is shown or taught in Russell or in Lewis or in Wenthe. Therefore, it is believed that Claim 3 defines patentably distinct subject matter over that of the applied references of record.

Additionally, Claim 3 has been amended to state that the shade has side extensions each of which covers a free edge of the free edges. No such side extensions or covering of free edges of a fixture housing is shown or suggested in any of the applied references of record. Therefore, it is believed that Claim 3 further defines patentably distinctive subject matter.

Claim 6, which is dependent from Claim 1, has further defined that the bottom plate comprises a screen constructed of polished metal or painted white. It is agreed that the structure of Wenthe does show the use of a light diffusing screen.. However, the structure of Wenthe is not a bottom wall on a fixture and it is believed that so constructing of applicant's invention to include such a bottom plate defines further patentably subject matter over the references of record.

The constructing in conjunction with the light fixture of a bottom plate and then making that bottom plate to diffuse light is only taught in applicant's invention. The Examiner is combining the references of Wenthe and Russell in order to achieve this

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structural limitation is only by using of applicant's invention as a reference in order to formulate this rejection. Again, as previously mentioned, such using of one's own disclosure as a reference has not been considered to be desirable practice within the Patent Law.

In view of the foregoing amendments to the claims and arguments presented herein, it is believed that the claims as now submitted clearly define allowable subject matter over the references of record. It is courteously requested that this application be reconsidered, such reconsideration being favorable resulting in passing of this application to issue.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to account No. 13-4899.

Respectfully submitted,



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